

Berrien Farmland and Open Space Workgroup Purchase of Development Rights Scoring System

Introduction

Part 362 of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended (NREPA), created the Agricultural Preservation Fund and the Agricultural Preservation Fund Board. The purpose of the fund is to provide matching dollars to qualifying local units of government Purchase of Development Rights Programs. In order to qualify for participation a local unit of government must:

1. Have a comprehensive plan that has been adopted within the last 10 years and reviewed and/or updated within the last 5 years that contains an agricultural preservation component, and
2. Have adopted a purchase of development rights ordinance that includes a method to select parcels for possible purchase and also includes a method to determine the price to be paid for those development rights, and
3. Provide for funds to match the State grant.

In order to fulfill a portion of the requirements listed above, the following scoring system is currently being developed by the Berrien Farmland and Open Space Preservation Workgroup, which was authorized by the Berrien County Board of Commissioners in December 2003. In a series of meetings, the workgroup determined the following factors would be considered in reviewing purchase of development rights applications in their townships.

- A. Agricultural productivity of the land. (155)
- B. Economic impact of local agriculture. (130)
- C. Conservation values/practices of and on the land. (90)
- D. Creation of blocks of preserved farmland. (180)
- E. Discretionary. (20)
- F. Matching funds available to assist in the acquisition. (45)
- G. Development pressure occurring in the vicinity of the farmland. (90)
- H. Zoning practices that enable high density residential development. (90)
- I. Type of agricultural production. (200)

These factors were then weighted using a pair-wise comparison system to determine the number of possible points that would be awarded to an application based on a 1,000 point scale. The numbers listed next to each of the criteria above indicate the maximum number of points an application may receive in any one category. Upon determining the maximum points for each category, the workgroup developed objective methods to measure the criteria. The result is the scoring system that follows.

**THE BERRIEN FARMLAND AND OPEN SPACE PRESERVATION WORKGROUP
PURCHASE OF DEVELOPMENT RIGHTS PROGRAM
SCORING SYSTEM**

Applications are to be submitted for purchase of development rights using the scoring system listed below. There are a total of 1,000 possible points for each application. Scored applications will be reviewed by the Berrien County Land Preservation Board (LPB). Final selections will be made by the LPB with approval from the County Board of Commissioners for submission to the state and federal governments for matching funds if applicable.

MINIMUM REQUIREMENTS (All applications must meet these minimum requirements in order to apply.)

1. At least 51% of the land in the nominated parcel must be devoted to an agricultural use as defined in Part 362 of NREPA.
2. The owner of record must sign the application.
3. Mineral rights must be either owned by the landowner or must be subordinated when the development rights are acquired.
4. The nominated parcel must be at least 20 acres in size, unless the parcel is located adjacent to preserved land or is a viable agricultural entity. (If the parcel is less than 20 acres in size, the landowner must provide written documentation that the land is in active agriculture. The LPB will review requests for consideration of parcels less than 20 acres in size on a case-by-case basis to determine if the development rights should be considered for purchase based on proximity to other preserved lands or the viability of the parcel for agricultural use.)

A) AGRICULTURAL PRODUCTIVITY - 155 possible points

Priority is placed on prime productive farmland and/or farmland that has unique or locally significant growing characteristics. Farmland can be considered prime or unique if it meets the USDA definition for prime and unique or locally significant soils as defined in the USDA Soil Conservation Service Soil Map of *Important Farmlands Berrien County, Michigan* published in 1983. A list of soil types that generally fit the definition of prime and unique soils can be obtained by calling the Berrien County Planning Department or the Berrien Springs USDA office. Soil types, maps of their locations and descriptions of productivity are available in the USDA Soil Conservation Service Soil Survey of Berrien County, Michigan issued in 1980. The percentage of prime, unique, or locally significant farmland is the number of prime, unique, or locally significant acres divided by the total acres in the application.

- Points to be determined by multiplying the % of prime, unique, or locally significant acres multiplied by 155 to receive a score between 0 and 155. Prime, unique, or locally significant acres to be verified by Natural Resource Conservation Service District Conservationist or Michigan State University Extension Agent.

B) ECONOMIC IMPACT OF LOCAL AGRICULTURE - 130 possible points

Agricultural tourism and local processing account for a significant amount of economic activity in Berrien County. Priority is placed on farmland parcels that contribute to this category. The type of crop grown, processed and available for direct market to consumers attracts tourists from throughout southwestern Michigan and northwestern Indiana to Berrien County.

1. Agricultural tourism – 75 points

Farm markets, wineries and wine tasting/tours play a central role in making Berrien County agriculture unique and a strong contributor to the county’s economy. An application may score greater than the 75 total points allowed for this measurement factor however, the cumulative point limit, to be used for scoring purposes is 75 points maximum.

- Parcel contains an “on farm” winery or directly contributes..... 75 points to and is owned by the owner of an “on farm” winery where at least 51% of the product used to manufacture the wine is grown on the same farm.
- Parcel is on contract with a winery..... 60 points
- Parcel significantly contributes to the support of a farm market.....50 points (Qualifying farm markets/roadside stands are those with “off road” parking for consumers.)

2. Agricultural processing – 55 points

Local or regional agricultural processing adds value to crops grown locally in Berrien County. Points may be earned for parcels producing crops that are locally processed in Berrien County or adjoining counties. Points are determined by multiplying the percent of the parcel on which a qualifying crop is grown that is locally processed (verified by the LPB), times the total points possible to receive a score. Processing facilities considered in this determination must employ a minimum of 20 people.

- Specialty crop processed in Berrien County.....55 points
- Specialty crop processed in adjacent county.....30 points
- Commodity crop processed in Berrien County.....55 points

(A specialty crop is defined as a vegetable, greenhouse and/or nursery, tree fruit, grapes, or blueberries. A commodity crop is defined as corn, soybeans, wheat, barley, oats, etc.)

C) CONSERVATION VALUES/ PRACTICES – 90 possible points

Priority is placed on those parcels that have additional conservation values or are being managed to protect existing conservation values. An application may score greater than the 90 total points allowed for this scoring factor however, the cumulative point limit, to be used for scoring purposes is 90 points maximum.

1. Conservation plan in place on parcel – 55 points

Once farmland is preserved it is important to protect the existing conservation values by practicing sound stewardship of the resources associated with the parcel. This can be partially achieved by having a conservation plan in place on

the parcel. This also protects the public investment that went into preserving the farmland. Applicant must have documentation of a conservation plan on file with the USDA-NRCS to receive 55 points.

2. Unique Natural Resource and Open Space Features – 35 points

Conservation values, other than farmland, may be present on a parcel submitted for consideration for farmland development rights purchase. A parcel may earn up to 35 points for significant natural resource features including natural water bodies and water courses, sand dunes, wildlife habitat (defined as participating in the federal Wildlife Habitat Incentives Program (WHIP), wetlands, and other open space as follows:

- From 5 to 10% of the parcel 15 pts
- From 10 to 20% of the parcel 20 pts
- From 20 to 30% of the parcel 25 pts
- From 30 to 40% of the parcel 30 pts
- From 40 to 49% of the parcel 35 pts

3. Water Accessibility – 20 points

- A parcel having frontage on a major stream that drains more than 640 acres.....20 pts
- A parcel having frontage on a minor stream that drains between 100 and 640 acres.....15 pts
- A parcel having frontage on a stream that drains less than 100 acres or has a year round spring, pond, or lake of 3 acres or more.... 10 pts

D) CREATION OF BLOCKS OF PRESERVED LAND - 180 possible points

It is important to protect blocks of agricultural land, thus protecting the public investment in farmland preservation, as well as providing for an adequate economic base for continued agriculture in the area. Blocks of farmland also help minimize land use conflicts and help provide a buffer to interior farming operations. Emphasis is placed on farmland located in an area in which the potential for assembling large, significant blocks of farmland is high.

1. Proximity to permanently preserved land – 60 points

Parcel is near other permanently preserved farmland, publicly owned land, conservation land, or conservation easements.

- Parcel is directly adjacent to preserved land with at least 60 points
500 feet of shared boundary (including rights of way)
- Parcel is directly adjacent to preserved land with less than 50 points
500 feet of shared boundary (including rights of way)
- Parcel is not adjacent but within ½ mile of preserved land..... 40 points
- Parcel is not adjacent but between ½ to 2 miles of 20 points
preserved land

2. Proximity to land enrolled in PA 116 – 60 points

A majority of the land (based on acres and verified by the Michigan Department of Agriculture) is within ½ mile of a parcel is enrolled in the Farmland and Open Space Preservation Act (PA 116)

3. Parcel Size – 60 points

Priority is placed on larger parcels to help promote more economically viable agricultural production units. One point is awarded for every acre over 20, for a maximum of 60 points, for parcels 80 acres or larger in size.

Example: 80 acre parcel = 80(parcel size) – 20 (minimum parcel size) = 60 acres
60(acres) * 1 = 60 points

E) DISCRETIONARY – 20 possible points

The LPB may award additional points to each application based on characteristics which consider additional values of the parcel or demonstrate additional efforts by the applicant to complement broader farmland preservation efforts. The LPB retains the right to withhold additional points but in awarding points will provide the basis for the additional points.

In awarding discretionary points, the LPB may consider:

1. Historical characteristics.
 - Centennial Farm
 - State or federal historic nomination or designation
2. Archeological characteristics.
3. Geographical characteristics.
 - Scenic vistas
 - Proximity to and/or frontage on a major thoroughfare
4. Enrollment in PA 116.
5. Management practices consistent with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices.
6. The extent to which the awarding of the grant will act as a demonstration project in the community to further the goals of farmland preservation.
7. The extent to which the community has established a longer-term funding commitment to protect additional farmland in the future (e.g., bonds, millages, etc.).

F) MATCHING FUNDS - 45 possible points

Emphasis will be placed on parcels that have matching funds. Matching funds may be money contributed by public, private or non-profit sources or can be via an offer of the landowner to accept less than the appraised purchase value of the

development rights and donates the remaining portion of their development rights value. A letter of commitment regarding matching funds must accompany the application. The total number of points possible for this category is 45.

1 point will be awarded for every 1% in matching funds to a maximum of 45 points.

- Example: 1) 25% match = 25 points
2) 50% match = 45 points

G) DEVELOPMENT PRESSURE – 90 possible point

Emphasis will be placed on parcels that are more than one mile away from existing sewer lines.

- Less than ½ mile from sewer – 50 point reduction from final score
- ½ mile or more but less than 1 mile – 0 points
- 1 mile or more but less than 2 miles – 90 points
- 2 miles or more – 50 points

H) ZONING HIGH DENSITY RESIDENTIAL – 90 possible points

1. Zoning Dwelling Unit Density – 80 points

Additional points are given to parcels that are in municipalities that use innovative zoning techniques that encourage high density residential in appropriate locations and slow development in agricultural land.

- Local unit of government has an adopted Comprehensive Plan Land Use Map showing vacant land for development of housing having a density of 4 to 6 dwelling units per acre – 10 points
- Local unit of government has an adopted Comprehensive Plan Land Use Map showing vacant land for development of housing having a density of 7 to 10 dwelling units per acre – 30 points
- Local unit of government has an adopted Comprehensive Plan Land Use Map showing vacant land for development of housing having a density greater than 10 dwelling units per acre – 40 points
- Local unit of government has a Zoning Ordinance showing vacant land for development of housing having a density of 4 to 6 dwelling units per acre – 10 points
- Local unit of government has a Zoning Ordinance showing vacant land for development of housing having a density of 7 to 10 dwelling units per acre – 30 points
- Local unit of government has a Zoning Ordinance showing vacant land for development of housing having a density greater than 10 dwelling units per acre – 40 points

2. Affordable Housing – 10 points

A local unit of government will receive 10 points if it has an affordable housing program goal statement within their adopted Comprehensive Plan.

I) TYPE OF AGRICULTURAL PRODUCTION - 200 possible points

Berrien County agriculture production is diverse and ranges from commodity-based products, such as corn and soybeans, to fruit and vegetable crops. According to the most recent USDA Census of Agriculture and categorized by commodity group, the county ranks 1st in grape production, 2nd in vegetables, melons, potatoes, and sweet potatoes, and 4th in fruits, tree nuts, and berries in Michigan. These crops are considered “specialty crops” and are economically valuable to the county because of their high value/acre, their connection to local processing, and ability to direct market to the consumer. Priority is placed on those parcels that have higher value crops in production or have access to irrigation. An application may score greater than the 200 total points allowed for this scoring factor however, the cumulative point limit, to be used for scoring purposes is 200 points maximum.

1. Specialty crop – 200 points
A specialty crop (defined as a vegetable, greenhouse and/or nursery, tree fruit, grapes, or blueberries) is grown on the parcel.
2. Commodity/hay crop – 100 points
Commodity crops (defined as corn, soybeans, wheat, barley, oats, etc.) or hay crops (defined as alfalfa, timothy, grass, etc.) are grown on the parcel.
3. Pasture – 30 points
Land in pasture, as defined by the Michigan Department of Agriculture, is grown on the parcel.
 - Points to be determined for items 1-4 by multiplying the % of the parcel currently in specialty crops, commodity crops, hay crops, or pasture (verified by the LPB), times the total possible points assigned to each crop type and adding the products of each together to receive a score between 0 and 180.
4. Irrigation – 25 points
A minimum of 50% of the parcel is accessible to irrigation.
5. Livestock production operation
 - Adjacent to a livestock production operation – 60 points
 - Within ½ mile of a livestock production operation – 45 points